

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Title : Motor Operated Fast Food Service Window with Upwardly Focused Proximity Detectors

----- CONTINUED PROSECUTION APPLICATION FILING -----

Inventors : Jason T. Epps, Dan L. Terry and Jackson G. Weaver

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§ Examiner : Strimbu, G.

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Assistant Commissioner for Patents
Box CPA
Washington, D.C. 20231

CERTIFICATE OF MAILING (37 C.F.R. 1.10)

The undersigned hereby certifies that this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to the Assistant Commissioner for Patents, Box CPA, Washington, DC 20231, Express Mail label number **EL360180360US** on **August 3, 1999**.


Corey M. McGowan

**37 C.F.R. 1.132 DECLARATION OF RAY J. EPPS
ESTABLISHMENT OF A LONG FELT NEED**


I, Ray J. Epps, declare that:

1. I am a citizen of Harris county, in the state of Texas in the United States of America, and I reside at 10315 Rothbury, Houston, Texas 77063.
2. I have read and understand the above-identified patent application, including the claims.
3. Since approximately 1986 I have been, and am currently, employed by M.C.E. Systems Corporation (hereinafter Applicant).
4. My current position is National Sales Manager.
5. My duties as National Sales Manager include interacting with Purchasing, Operations, and Equipment Procurement specialists of customers and potential customers to develop operational specifications for the customers' fast food service windows needs.

6. Over the past approximately 13 years, I have obtained a knowledge of the requirements indicated in paragraph 5 as would be expected of one of ordinary skill in the field of fast food service window supply.
7. Prior fast food service windows using sensors oriented to project from the side and/or straight out and/or downward from the service window unit have been unsuccessful in meeting customers' needs because they generate too many false open and/or false close operations. I know this from personal experience in working with Applicant's customers (see paragraph 5).
8. Based on approximately 13 years experience, it has been a goal of fast food service window providers (including Applicant) to provide a fast food service window which does not generate too many false open and/or false close operations.
9. *hearsay, 2nd hand statements of 9th no probative value, where's evidence of this?* → Customers tell me Applicant's fast food service windows incorporating upwardly focused proximity detectors in accordance with the claimed invention satisfy this long-felt need.
10. *Where's showing?* → Customers tell me their demand for Applicant's fast food service windows incorporating upwardly focused proximity detectors in accordance with the claimed invention is directly attributable to the product's ability to solve this long-felt need.
11. Customers purchasing Applicant's fast food service windows incorporating upwardly focused proximity detectors in accordance with the claimed invention include: Wendy's International, Burger King Brands, Arby's Incorporated, KFC Corporation (Kentucky Fried Chicken), Foodmaker Incorporated (Jack in the Box), Shell Oil Company, Chevron Corporation, Pizza Hut Incorporated, Church's Fried Chicken Incorporated, and Popeyes Chicken & Biscuits (America's Favorite Chicken Company).

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or

both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.



Ray J. Epps

National Sales Manager

8-3-99

Date